

VZCZCXRO8262  
RR RUEHGR  
DE RUEHBE #0083/01 0621748  
ZNR UUUUU ZZH  
R 031748Z MAR 09  
FM AMEMBASSY BELMOPAN  
TO RUEHC/SECSTATE WASHDC 1707  
INFO RUEHZA/WHA CENTRAL AMERICA COLLECTIVE  
RUCNCOM/EC CARICOM COLLECTIVE

UNCLAS SECTION 01 OF 02 BELMOPAN 000083

SENSITIVE

SIPDIS

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E.O. 12958: N/A

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SUBJECT: BELIZE: 2009 SPECIAL 301 REVIEW

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2009 Special 301 Report - Belize  
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Background  
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¶1. (SBU) Belize was removed from the Special 301 Watchlist in 2008, but concerns remain in enforcement of IPR laws and prosecution of offenders.

¶2. (U) Belize and IPR Laws and Conventions:  
Belize has fulfilled its obligation under the World Trade Organization (WTO) to implement the Agreement on Trade-Related Aspects of Intellectual Property (the TRIPS Agreement).

The Belize Intellectual Property Office (BELIPO) was subsequently established to administer these IPR laws, which include copyrights, industrial designs, patents, trademarks, protection of new plant varieties, and protection of layout - designs (topographies) of integrated circuits.

Belize is a party to the Paris Convention for the Protection of Industrial Property and of Literary and Artistic Works and the Patent Copyright Treaty.

Belize has ratified neither the WIPO Copyright Treaty (WCT) nor the WIPO Performances and Phonograms Treaty (WCCT). However, under the recently signed Economic Partnership Agreement between the European Union and the CARICOM countries, Belize must adhere to and implement both treaties.

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Embassy involvement on IPR issues in Belize  
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¶3. (SBU) Post has been involved in one case in 2008 involving the infringement of U.S. trademarks in Belize.

Phillip Morris: In September 2008, Belize Customs informed the Embassy that they had confiscated four forty-foot containers filled with counterfeit cigarettes. Two containers had approximately 855 boxes each of fake Marlboro cigarettes with a value of USD two million. Customs officials were suspicious of the entry forms and upon further investigation, found that instead of slippers indicated by the import documentation, the containers held cases of cigarettes bearing the fraudulent Marlboro mark. Phillip Morris contacted the Embassy for more information and a representative of Phillip Morris visited Belize and verified the cigarettes were counterfeit.

Media reports indicate that the counterfeit Marlboro cigarettes have been destroyed.

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U.S. Embassy's involvement in IPR training

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14. (U) In April 2007, three GOB officials participated in a three-day workshop on the drafting and enforcement of Cyber-Crime legislation in San Jose, Costa Rica. The U.S. Department of Justice sponsored the workshop.

In May 2007, two GOB officials participated in a three-day workshop on Intellectual Property Rights in San Salvador. Funding was provided by the Department of Homeland Security Bureau of Immigration and Customs Enforcement.

In March 2008, one GOB official (Director of BELIPO) participated in a four-day workshop on the USPTO Global Intellectual Property Academy Trademark Administration Program.

In January 2009, two GOB officials participated in a four-day workshop in the Global Intellectual Property Academy regional training on Plant Variety Protection under the UPOV Convention.

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State of IP Protection in Belize  
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15. (SBU) The general availability of pirated CD's, DVD's, and videos continues unabated. These are produced for sale and rental. Local television stations and cable companies continue to pirate American television network and cable channel programming. There are reports that some importers, mainly those operating in the Corozal Commercial Free Zone, continue to import and sell counterfeit merchandise such as clothing. There is still some concern of weak prosecution of Intellectual Property infringement cases and

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enforcement against piracy and counterfeiting.

However, during 2008 BELIPO (Belize's regulatory agency) undertook the following initiatives:

a) BELIPO conducted a session at the Embassy's 'Made in the USA Exhibition' on the topic, "Overview of Belize's Trademarks Act".

b) The agency is assisting a local government agency (NICH -- National Institute for Culture and Heritage) in organizing local music artists to collectively enforce their intellectual property rights. BELIPO expects this to help create public awareness on the importance of protecting all intellectual and property rights holders.

c) In March 2009, the agency will assist the government of Belize in hosting a regional enforcement seminar organized by the British Commonwealth Association on 'Cooperation on Enforcement of Intellectual Property Rights'. BELIPO plans to write a training paper on enforcement of property rights.

d) The agency staff attended several international training seminars.

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IP Prosecutions  
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16. (SBU) BELIPO informed the Embassy that in 2008 two cases/complaints of counterfeit goods were heard and were successfully challenged by foreign owners.

a) Phillip Morris: In September 2008, suspicious customs entry forms alerted officials to four containers. The containers were found to contain counterfeit Marlboro cigarettes. A representative of Phillip Morris visited Belize and verified that the cigarettes were fake. Media reports indicate that the cigarettes were destroyed. Customs officials noted that the case is still pending.

b) Chanel: In April 2008, upon investigating four containers bound for the Corozal Free Zone, Customs officials found an assortment of counterfeit Chanel products. The assortment of merchandise included

handbags, watches, shoes, and clothing, and was valued at USD 30 million. The company retained a Belize lawyer and filed charges against the importer. Customs officials note that the case is still pending.

BELIPO officials reiterated that Belize's IP laws have been successfully tested, and that under Belize's Copyright and Trademark Laws, the onus to institute legal action against violators of intellectual property rights in Belize lies with the holder of those rights and not with local law enforcement officials. Additionally, many intellectual property rights-holders have chosen not to pursue infringement cases here because violations in a market as small as Belize's are relatively insignificant. BELIPO officials also asked for continued USG support of training, not only for BELIPO employees but also for Customs officials, to enhance that agency's ability to identify counterfeit goods.

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Recommendation  
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17. (SBU) Post continues to recommend that Belize be placed on the Watch List in the 2009 Section 301 Report. Belize has made good progress in developing relations with rights holders, but improvements must be made in investigations and prosecutions of IP infringement cases. Weak enforcement with respect to the Corozal Commercial Free Zone remains a concern as infringing products are shipped from Mexico to the United States and elsewhere. However, Post is of the opinion that if the rights-holders do not file complaints or pursue cases, the Government of Belize should not be penalized.

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